

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**



FILED

08-13-07
02:10 PM

Order Instituting Rulemaking on the)	
Commission's Own Motion to Assess and Revise)	R.05-04-005
the Regulation of Telecommunications Utilities.)	
_____)	
Rulemaking for the Purposes of Revising General Order)	R.98-07-038
96-A Regarding Informal Filings at the Commission.)	
_____)	

**COMMENTS OF SPRINT NEXTEL
ON PROPOSED DECISIONS OF COMMISSIONER CHONG**

SPRINT NEXTEL

Stephen H. Kukta, Esq.
Kristin L. Jacobson, Esq.
Sprint Nextel
200 Mission Street, Suite 1400
San Francisco, CA 94105
Telephone: (415) 572-8358
Facsimile: (415) 278-5303
Email: Stephen.H.Kukta@Sprint.com
Email: Kristin.L.Jacobson@Sprint.com

Earl Nicholas Selby
Law Offices of Earl Nicholas Selby
418 Florence Street
Palo Alto, CA 94301-1705
Telephone: (650) 323-0990
Facsimile: (650) 325-9041
Direct Voicemail: (650) 594-2714
Email: ens@loens.com

Attorneys for Sprint Nextel

August 13, 2007

Table of Contents

Table of Contents.....	i
Table of Authorities	ii
Introduction.....	1
Discussion	3
I. THE PROPOSED DECISIONS APPEAR TO BE SETTING THE STAGE FOR PREMATURE DETARIFFING OF “RETAIL SPECIAL ACCESS” SERVICE.....	3
II. THE COMMISSION SHOULD CLARIFY THE TERM “URF CARRIER.”	8
III. THE COMMISSION SHOULD CLARIFY THAT THE DETARIFFING PD AND THE INDUSTRY RULES PD APPLY ONLY TO “URF CARRIERS” EXCEPT WHERE OTHERWISE SPECIFICALLY INDICATED.	8
IV. THE COMMISSION SHOULD MAKE CONCLUSION OF LAW 13 IN THE DETARIFFING PD CONSISTENT WITH CONCLUSION OF LAW 23 AND INDUSTRY RULE 5.3.....	9
V. THE COMMISSION SHOULD CLARIFY WHAT IT MEANS BY THE WORD “RECEIVE” IN CONCLUSION OF LAW 13 IN THE DETARIFFING PD.	9
VI. THE COMMISSION SHOULD OMIT OR REVISE PROPOSED RULE 5.5.....	10
VII. THE COMMISSION SHOULD MODIFY PROPOSED INDUSTRY RULE 8.3.....	12
VIII. THE COMMISSION SHOULD CLARIFY THE APPLICABILITY OF PROPOSED INDUSTRY RULE 5.1.....	13
IX. THERE IS NO REASON TO LIMIT URF CARRIER DECISIONS TO DETARIFF EXISTING SERVICES TO THE NEXT 18 MONTHS.	14
X. THE “ADDITIONAL NEW SAFEGUARDS” TO PROTECT CONSUMERS WHO PURCHASE DETARIFFED SERVICES WILL ONLY SERVE TO DETER CARRIERS FROM DETARIFFING ANY SERVICES.....	15
Conclusion	15
Appendix – Suggested Revisions in Findings of Fact, etc., and Industry Rules	
Certificate of Service	

Table of Authorities

Commission Decisions

Order Instituting Rulemaking on the Commission's Own Motion to Assess and Revise the Regulation of Telecommunications Utilities, R.05-04-005, Opinion [D.06-08-030] (2006) __ CPUC 2d __, 2006 Cal. PUC LEXIS 367 ("D.06-08-030"), *modified and limited rehearing granted and rehearing otherwise denied* [D.06-12-044] (2006) __ CPUC 2d __, 2006 Cal. PUC LEXIS 5112, 4, 5, 7, 8, 10

See Order Instituting Rulemaking on the Commission's Own Motion to establish Consumer Rights and Protection Rules Applicable to All Telecommunications Utilities, R.00-02-004 [D.06-03-013] __ CPUC 2d __, 2006 Cal. PUC LEXIS 86, *modified and rehearing denied* [D.06-12-042], __ CPUC 2d __, 2006 Cal. PUC LEXIS 505.10

Federal Statutes

Section 332(c)(3)(A) of the Communications Act, 47 U.S.C. § 332(c)(3)(A), as amended by the Omnibus Budget Reconciliation Act of 1993, P.L. 103-66, 107 Stat. 312.....11, 12

Federal Communications Commission Proceedings

In the Matter of Special Access Rates for Price Cap Local Exchange Carriers, WC Docket No. 05-25; *AT&T Corp. Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services*, RM-105936

California Public Utilities Code

Section 233.....8

Section 234.....8

Sections 2891 to 2894.....12

Commission General Orders

General Order No. 96-A13

General Order No. 96-B.....2

Commission Rules of Practice and Procedure

Rule 14.31

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking on the)	
Commission’s Own Motion to Assess and Revise)	R.05-04-005
the Regulation of Telecommunications Utilities.)	
<hr/>		
)	
Rulemaking for the Purposes of Revising General Order)	R.98-07-038
96-A Regarding Informal Filings at the Commission.)	
<hr/>		

**COMMENTS OF SPRINT NEXTEL
ON PROPOSED DECISIONS OF COMMISSIONER CHONG**

Introduction

Pursuant to Rule 14.3 of the Commission’s Rules of Practice and Procedure, Sprint Communications Company, L.P. (U 5112 C) (“Sprint Communications Co.”), Sprint Telephony PCS, L.P. (U 3064 C), Sprint Spectrum L.P. as agent for Wireless Co., L.P. (U 3062 C) *dba* Sprint PCS (“Sprint PCS”), and Nextel of California, Inc. (U 3066 C)(“Nextel”) (collectively referred to herein as “Sprint Nextel”) respectfully submit these Comments on the July 23, 2007 Proposed Decisions (“PDs”) of Commissioner Chong in the above-captioned matters.

The first PD, entitled “Opinion Consolidating Proceedings, Clarifying Rules for Advice Letters under the Uniform Regulatory Framework, and Adopting Procedures for Detariffing” (hereinafter, “Detariffing PD”), principally identifies services that either would, or would not, be eligible for permissive detariffing on a service-by-service basis pursuant to Public Utilities Code Section 495.7. The Detariffing PD identifies procedures for detariffing services and specifies there will be an 18-month period in which Uniform Regulatory Framework (“URF”) carriers (ILECs, CLECs, and IXC) (“URF Carriers”) may detariff existing services. It also provides that “Tier 1” advice letters would be effective on the date of filing (rather than on one day’s notice).

Although subject to protest and possible rejection by the Commission or the Staff, such advice letters would not be subject to suspension pending Commission and/or Staff review.

The second PD, entitled “Opinion Adopting Telecommunications Industry Rules” (hereinafter, “Industry Rules PD”), proposes modifications to tariff filing rules for the telecommunications industry that were first proposed, as part of a then-proposed General Order 96-B, at least six years ago. In the interim, as the Industry Rules PD explains, the Commission has adopted and made effective various portions of General Order 96-B, including the General Rules thereof but *not* including telecommunications industry rules, in a series of decisions in Rulemaking (R.) 98-07-038,¹ which has now been consolidated with URF Rulemaking, R.05-04-005.²

Because the Detariffing PD and the Industry Rules PD were released together and are inter-related, these Comments will address both PDs at the same time.

In general, Sprint Nextel is not opposed to the approach proposed in the PDs for detariffing services, nor, especially, is it opposed to the manner in which the Detariffing PD provides that certain services or tariff provisions may *not* be detariffed. Indeed, Sprint Nextel supports the determination in the PDs that special access and other services that were not granted full pricing flexibility in D.06-08-030³ should not be eligible for detariffing at this time.⁴ Nor, for that matter, is Sprint opposed, at least in general, to the approach proposed in the industry

¹ The decisions are identified in the “Industry Rules PD” at 5, n. 4.

² See Detariffing PD at 1; see Industry Rules PD at 1. According to the Industry Rules PD, the two proposed decisions are based on “the combined record” of the two proceedings. *Id.* at 1. This is unfortunate at best, because much, if not all, of the record in R.98-07-038 concerning the telecommunications industry predates the URF decision by many years, and is therefore stale at best. Consolidation of R.05-04-005 and R.98-07-038 may be reason for proposed industry rule 5.5, which should either be omitted or modified. See *infra* at 10 – 12.

³ *Order Instituting Rulemaking on the Commission’s Own Motion to Assess and Revise the Regulation of Telecommunications Utilities*, R.05-04-005, Opinion [D.06-08-030] (2006) __ CPUC 2d __, 2006 Cal. PUC LEXIS 367 (“D.06-08-030”), *modified and limited rehearing granted and rehearing otherwise denied* [D.06-12-044] (2006) __ CPUC 2d __, 2006 Cal. PUC LEXIS 511.

⁴ See Detariffing PD at 71, Conclusion of Law 22.

rules governing the filing and effective date of advice letters for services that have not been detariffed. Under the PDs, most carrier advice letters (*e.g.*, advice letters changing rates or tariffing customer specific contracts) would be effective on the date filed (provided that sufficient advance notice, where required, had been provided).

However, as explained below, the Commission should make a number of important technical corrections and clarifications in the PDs to avoid what appear to be unintended ambiguities and/or unintended consequences. The Commission should also not adopt proposed industry rule 5.5, which addresses matters that are far outside the scope of the issues that wireless carriers legitimately expected, from the Assigned Commissioner's Scoping Memo,⁵ the Commission would address in the URF proceeding at this time.⁶ Further, the Commission should not require URF Carriers to maintain an "archive" on their websites of "retail rates (both tariffed and detariffed)."⁷ Unless the Commission makes the modifications requested below, the PDs could present substantial legal and practical difficulties for both wireless carriers and wireline URF Carriers.⁸

Discussion

I. THE PROPOSED DECISIONS APPEAR TO BE SETTING THE STAGE FOR PREMATURE DETARIFFING OF "RETAIL SPECIAL ACCESS" SERVICE.

The Industry Rules PD proposes that, rather than use the term "Wholesale Service," the Commission will henceforth use the term "Resale Service" to refer to "... a tariffed service that

⁵ See Assigned Commissioner's Ruling and Scoping Memo in R.05-04-005, as revised at 4:17 p.m. on December 11, 2006 (hereinafter, "Scoping Memo").

⁶ Proposed industry rule 5.5 is discussed *infra* at 10 – 12.

⁷ See Detariffing Decision at 38 and 66-67 (Finding of Fact 20). The proposed "archive" requirement is discussed *infra* at 15.

⁸ Inasmuch as Sprint Communications Co. is a wireline interexchange carrier ("IXC") and a competitive local exchange carrier ("CLEC"), Sprint Nextel is concerned about the impact of the PDs on URF Carriers. As wireless carriers, Sprint PCS and Nextel are principally concerned with proposed industry rule 5.5 and with eliminating any ambiguities in the PDs concerning the applicability of the proposed industry rules.

a carrier offers another carrier for resale.” *Id.* at 8; *see* industry rule 1.10.⁹ Sprint Nextel is not opposed to this definition of “Resale Service,” as far as it goes. However, Sprint Nextel is concerned that the proposed definition is intended to set the stage for distinguishing between “resale” and “retail” services, where “retail” services are “a tariffed service that a carrier offers to an end user customer.” This would in turn lead to distinguishing between “resale special access” services (special access or dedicated circuits provided by one carrier to another) and “retail special access” services (special access or dedicated circuits provided by a carrier to an end user customer). But for the name, these two services are identical – they are not two different “types” of circuits, but exactly the same, where the circuit merely connects one point to another on a non-switched, or dedicated, basis. Because the services are identical, and not different “types” of service, incumbent local exchange carriers (“ILECs”) should not be allowed to offer more favorable rates, terms and conditions to end user customers than to carrier customers: all rates, terms and conditions should be equally available to both “retail” and “resale” customers. For this reason, there basically is no reason for distinguishing between “retail” and “resale” special access services.

Sprint Nextel is concerned that the proposed definition of “resale” services is further intended to set the stage for ILECs, which have dominant market power over such services and over the vast preponderance of local rights of way used for such circuits, to offer one set of prices, terms and conditions to end user customers and another set of prices of prices, terms and conditions to other URF Carriers or wireless carriers. In this regard, the proposed definition appears to be setting the stage for anticompetitive discrimination by ILECs against other carriers and in favor of their own end user customers. Sprint Nextel elaborated on these concerns in its Opening and Reply Comments, dated March 2 and March 30, 2007, respectively, regarding the

⁹ All references herein to “industry rules” are to the rules proposed in Appendix A to the Industry Rules PD.

“prices, terms and conditions that apply to retail special access services” in California.¹⁰ Each of the concerns mentioned in those Comments is still as urgent now as when they were submitted earlier this year. Sprint Nextel again commends those concerns to the Commission’s attention.¹¹

The Detariffing PD properly finds that “resale services,” as well as any service that was not given full pricing flexibility in D.06-08-030, should not be eligible for detariffing.¹² Sprint Nextel endorses the Detariffing PD’s resolution of this issue. Allowing an ILEC to detariff resale services would soon lead to ILECs offering different rates, terms and conditions to different carriers, with highly discriminatory and anticompetitive consequences. Preventing the ILECs from detariffing resale services will help preserve the opportunity for vibrant and effective competition to continue to develop in California’s telecommunications markets. Hence, the Commission should not disturb the Detariffing PD’s resolution of this issue.

However, for the reasons expressed in Sprint Nextel’s March 2 and March 30, 2007 comments referenced above, which Sprint Nextel will not repeat here but which it incorporates by reference herein, the Commission should, at the same time, explicitly resolve that any recognition of “retail special access” services in any future URF decision¹³ will not result, directly or indirectly, in any permission for ILECs to detariff such services. In the Detariffing PD, there is language to the effect that, “We will address requests for reform of retail special

¹⁰ The March 30, 2007 Reply Comments on retail special access issues were jointly submitted on behalf of Sprint Nextel and Time Warner Telecom of California, L.P.

¹¹ The Detariffing PD states, at 31, that, “Sprint Nextel makes a single observation,” citing and quoting from Sprint Nextel’s Opening Brief on Detariffing Issues in D.06-08-030, *filed* September 25, 2006. While technically correct in a narrow sense, this statement is far from correct if considered in a broader context, in that its March 2 and March 30, 2007 Opening and Reply Comments on special access issues underscored Sprint Nextel’s substantial misgivings about and comprehensive opposition to any detariffing of “retail special access” services by ILECs.

¹² *See id.*, Conclusion of Law 22, at 71.

¹³ The Detariffing PD envisions that a proposed decision addressing “the remainder of the Phase II issues identified in the [December 21, 2006] Scoping Memo” will be issued later this year. Presumably, such a proposed decision would address the special access issues on which the Commission requested opening and reply comments on March 2 and March 30 of this year.

access in the next decision in this phase.”¹⁴ Whatever “reform” may be envisioned or adopted, it definitely should not include detariffing.¹⁵

In short, it can be seen that, for tariffing purposes, the Commission may, at some point in the future, recognize a distinction between “retail” and “resale” special access services.¹⁶ However, the Commission should not permit either “retail” or “resale” special access services to be detariffed, either now or in the “next” URF decision, or at any time in the future until there has been long overdue reform, by this Commission and the Federal Communications Commission (“FCC”), of special access and switched access pricing.¹⁷ Until such reform has occurred, and until special access services are truly competitive, continued full visibility of all of the special access service prices, terms and conditions offered by ILECs to end users and other carriers is crucial to preventing discrimination and protecting CLECs and non-ILEC-affiliated wireless carriers from anticompetitive price squeezes.¹⁸ The Commission should not allow an

¹⁴ The full paragraph states: “We agree with Sprint Nextel that nothing in this decision applies to wholesale or resale tariffs. Wholesale/resale rates are to remain tariffed by URF carriers. We will address requests for reform of retail special access in the next decision in this phase.” *Id.* at 62.

¹⁵ If “retail special access” services were recognized, in a later URF decision, as being eligible for detariffing, then an ILEC would only need to file a “Tier 2” advice letter, which, under the proposed industry rules, could be effective in as little as 30 days, in order to detariff such services. *See* proposed industry rule 7.2(3). The Commission should not permit detariffing of “retail special access” services on the mere filing of a “Tier 2” advice letter.

¹⁶ Although Sprint Nextel is able to anticipate that the Commission might make “retail special access” services eligible for tariffing under “Tier 1” tariffing rules, *see* industry rule 7.1, Sprint Nextel will refrain from any comments on such possible treatment until it sees whether the Commission has, in fact, subjected such services to such rules.

¹⁷ *See In the Matter of Special Access Rates for Price Cap Local Exchange Carriers*, WC Docket No. 05-25; *AT&T Corp. Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services*, RM-10593 Comments of Sprint Nextel Corporation, filed August 8, 2007 (hereinafter, “Sprint Nextel Comments at FCC”), available at: http://fjallfoss.fcc.gov/prod/ecfs/retrieve.cgi?native_or_pdf=pdf&id_document=6519610326.

¹⁸ The opportunities for anticompetitive discrimination – which already present daunting challenges for carriers competing against ILECs and their affiliates – would be multiplied many times over, and actual discrimination would become virtually undetectable, if the Commission were to allow ILECs to detariff “retail special access” services. It is vital to fair competition across the economy that such critical services as special access services, precisely because they can be so expensive, remain fully tariffed so that they are visible to all carriers and end user customers.

incidental act, namely, the definition of “resale,” to be the prelude to premature creation of detariffed “retail special access” services.

Before this Commission considers granting the ILECs any form of “relief,” such as detariffing, with regard to “retail special access” services, there must be meaningful reform at the FCC of ILEC special and switched access pricing. Until ILEC special and switched access prices are brought into line with economic (long run incremental) costs, CLECs and non-ILEC affiliated wireless carriers will continue to be forced to subsidize the ILECs’ operations. This is not only unfair, but is profoundly anti-consumer.¹⁹ If CLECs and non-ILEC affiliated wireless carriers were not forced to overpay for ILEC special and switched access services as a condition of gaining access to the ILECs’ (largely) monopoly network facilities, they could, in turn, provide and price their own services far more efficiently, and, beyond any doubt, this would create a tremendous boon for consumers in California.

¹⁹ As Sprint Nextel advised the FCC: “The special access market is an Economics 101 textbook example of a market failure, and ***consumers are suffering the consequences of this failure***. Special access is the lifeblood of the telecommunications industry, touching virtually every communications product. Every time consumers make wireless calls, access the Internet, send e-mails, swipe their credit cards at mini-markets, or use an automated teller machine (“ATM”), they are using services that rely on special access. . . . [¶] BOC special access revenues have grown from \$2.5 billion in 1990 to a colossal \$15.6 billion in 2006. AT&T and Verizon are by far the largest providers of special access in the United States, accounting for 81% of [ILEC] special access service nationwide in 2006. . . . [¶] Recent mergers by AT&T and Verizon have strengthened their competitive advantages by eliminating two leading competitors (MCI and legacy AT&T) . . . [and] increase[ed] [their] incentives to raise the costs of [their] wireless rivals through increased special access prices. . . . [¶] As a result of [the] lack of competition and the premature relaxation of regulation: [1] The largest BOCs continue to reap billions of dollars in excessive earnings from special access, realizing rates of return as high as one hundred percent; and [2] BOC special access prices remain at supra-competitive levels – in many instances at least twice as high as the rates that one would expect to see in a competitive market. [¶] ***Excessive rates for special access services subsidize AT&T and Verizon at the expense of consumers, competition, and the deployment of new and innovative services.*** . . . [¶] In light of the overwhelming evidence of the utter failure of the special access market and the lack of sufficient competition to drive prices down, attract new investment or ensure that buyers have alternatives, it is critical that the [FCC] step in and act to constrain the excessive prices that have permeated the special access market for years.” Sprint Nextel Comments to FCC, *supra*, Executive Summary, at i – iv (emphasis added and omitted, and fns. omitted). It is equally critical that this Commission take similar action with respect to intrastate prices. The full text of Sprint Nextel Corporation’s Comments to the FCC is available through the FCC’s website at: http://fjallfoss.fcc.gov/prod/ecfs/retrieve.cgi?native_or_pdf=pdf&id_document=6519610326.

II. THE COMMISSION SHOULD CLARIFY THE TERM “URF CARRIER.”

In the Industry Rules PD, proposed industry rule 1.14 would define an “URF Carrier” as “. . . a public Utility that is regulated *through* the Commission’s uniform regulatory framework, as established in Decision 06-08-030 and as modified from time to time by the Commission.” (Emphasis added.) Proposed industry rule 1.14 would be clearer if it simply said that an “URF Carrier” is an “. . . ILEC, CLEC or IXC that is regulated through the Commission’s uniform regulatory framework, as established in Decision 06-08-030 and as modified from time to time by the Commission.” This would remove any ambiguity from the term “URF Carrier.”²⁰

II. THE COMMISSION SHOULD CLARIFY THAT THE DETARIFFING PD AND THE INDUSTRY RULES PD APPLY ONLY TO “URF CARRIERS” EXCEPT WHERE OTHERWISE SPECIFICALLY INDICATED.

The Detariffing PD sometimes refers to “carriers” when it is virtually certain that it intends to refer to “URF Carriers.”²¹ The Commission should avoid any ambiguity in this regard. Rather than make every reference to “carriers” instead read “URF Carriers,” the Commission should simply clarify that all references in the Detariffing PD to “carriers” are intended to refer to “URF Carriers except where otherwise indicated.”²² There is no reason or basis for the Detariffing PD to refer to any other carriers.²³ The Commission should also make

²⁰ Because proposed industry rule 1.15 defines a “Utility” as “. . . a public Utility that is a telephone corporation as defined in the Public Utilities Code,” wireless carriers (commercial mobile radio service (“CMRS”) carriers) that are public utilities under Sections 233 and 234 of the Public Utilities Code must assess whether or not they are considered by the Commission to be “regulated *through* the Commission’s uniform regulatory framework, as established in Decision 06-08-030. . . .” (Emphasis added.) Based upon the fact that none of the Findings of Fact, Conclusions of Law or Ordering Paragraphs of D.06-08-030 imposes, directly or indirectly, any regulatory requirements on CMRS carriers, it is readily apparent that wireless carriers are not regulated “through” the Commission’s uniform regulatory framework as established in D.06-08-030.” Nonetheless, the Commission should substitute “ILEC, CLEC or IXC” for “public Utility” in the definition of an “URF Carrier.”

²¹ See, e.g., *id.* at 38 and 70-71 (Conclusion of Law 13); *cf. id.* at 71 (Conclusions of Law 14 through 16, each of which properly, and unambiguously, refers to “URF Carriers”).

²² There are two references in the Detariffing PD to “GRC-LEC” carriers.

²³ For example, the Detariffing PD does not mention or discuss CMRS or wireless carriers.

the same clarification in the Industry Rules PD. There is no reasonable basis for applying the Industry Rules PD to carriers other than URF Carriers and/or GRC-LEC Carriers.²⁴

III. THE COMMISSION SHOULD MAKE CONCLUSION OF LAW 13 IN THE DETARIFFING PD CONSISTENT WITH CONCLUSION OF LAW 23 AND INDUSTRY RULE 5.3.

In the Detariffing PD, Conclusion of Law 13 appears to require 30 days' advance notice for *any* change in a term contract with an ETF. The Commission should make Conclusion of Law 13 consistent with Conclusion of Law 23, which would require, for detariffed services, 30 days' advance notice for "increased rates, or more restrictive terms and conditions." Such a change would also make Conclusion of Law 13 consistent with industry rule 5.3, which requires 30 days' advance notice for increased rates, more restrictive terms and conditions, withdrawal of service, or transfer of ownership or customer base. 30-day advance notice should not be required for a detariffed service contract change that does not make such changes. It is unlikely, for example, that any customer would object to lower rates or less restrictive terms and conditions.

IV. THE COMMISSION SHOULD CLARIFY WHAT IT MEANS BY THE WORD "RECEIVE" IN CONCLUSION OF LAW 13 IN THE DETARIFFING PD.

Conclusion of Law 13 in the Detariffing PD would require that, for any detariffed service provided subject to a term contract with an ETF, carriers would need to "receive" consumer consent to any change to rates, terms, and conditions of service (after they had given notice of the intended change). The Commission should clarify this conclusion to provide that an URF Carrier shall be deemed to have "received" consumer consent if, having given a customer proper notice of a proposed term contract change and having offered the customer an opportunity to terminate the contract without imposition of an ETF, the customer has not objected to the contract change and has not sought to terminate the term contract.

²⁴ The Industry Rules PD also does not mention or discuss CMRS or wireless carriers. Oddly, despite the fact that the focus of the Industry Rules PD is on URF Carriers, proposed industry rules 5.5 and 8.3.6 refer to CMRS carriers. It is certainly not clear, at best, why the industry rules would contain provisions addressing CMRS providers when there is no mention of CMRS providers in either the Detariffing PD or the Industry Rules PD.

V. THE COMMISSION SHOULD OMIT OR REVISE PROPOSED RULE 5.5.

Proposed industry rule 5.5 provides: “A commercial mobile radio service provider may not file tariffs with the Commission but shall make available to the public schedules showing its rates, charges, terms, and conditions of service.” For several reasons, the Commission should either omit or revise rule 5.5.

First, proposed rule 5.5 has apparently been brought forward from an initial version of the industry rules that was proposed over six years ago in R.98-07-038,²⁵ long before creation of the URF and URF Carriers. Given the current pace of change in the telecommunications industry and in telecommunications regulation, it is as if a half-century has gone by in the last six years. The URF decision, D.06-08-030, itself constitutes a watershed in telecommunications regulation. At best, it is irregular for the Commission to resurrect a requirement that wireless carriers justifiably could have believed was no longer under consideration, given the Commission’s rejection of such a requirement in the “consumer protection” rulemaking, R.00-02-004.²⁶ The Commission did not provide CMRS carriers with any notice that such a rule would be reconsidered, *post*-D.06-03-013 or *post*-D.06-08-030, as part of proposed industry rules that concern tariffing and detariffing requirements *for URF Carriers and GRC-LEC Carriers*. It appears that proposed industry rules 5.5 and 8.6.3 were simply carried forward from 2001 with little or no attention to the issues of notice and opportunity to be heard.

²⁵ See Draft Decision of ALJ Kotz in R.98-07-038, dated February 14, 2001, Appendix C, proposed industry rule 5.2.

²⁶ Whether, and how, CMRS providers should be required to make available their rates, charges, terms, and conditions of service was an issue in the “consumer protection” rulemaking, R.00-02-004, but the Commission ultimately decided not to include such requirements in its “consumer protection” decision, D.06-03-013. See *Order Instituting Rulemaking on the Commission's Own Motion to establish Consumer Rights and Protection Rules Applicable to All Telecommunications Utilities*, R.00-02-004 [D.06-03-013] __ CPUC 2d __, 2006 Cal. PUC LEXIS 86, modified and rehearing denied [D.06-12-042], __ CPUC 2d __, 2006 Cal. PUC LEXIS 505. The Commission failed to give notice to wireless carriers that it intended to reconsider, *post*-D.06-03-013, imposition of such requirements on wireless carriers. Consequently, wireless carriers were deprived of an opportunity to be heard regarding the proposed rule. This cannot be squared with the requirements of due process.

Apart from proposed rule 5.5 and rule 8.6.3, which also stems from the 2001 draft, nothing in the industry rules pertains to wireless carriers. The Industry Rules PD does not even mention CMRS or wireless carriers. Wireless carriers have not been required to file tariffs at the Commission for almost 12 years. CMRS providers have not been required to post “schedules” of their services during that period. Thus, proposed industry rule 5.5, in particular, sticks out like a sore thumb. Requiring wireless carriers to make “schedules” of their services available to the public certainly was not identified in the Scoping Memo as an issue for Phase II of URF, and wireless carriers had no reason to expect that such a requirement would be imposed on them at this time. Thus, the Commission should not adopt proposed industry rule 5.5.²⁷

If, however, the Commission is determined to adopt a rule requiring CMRS providers to make information about their services available to the public (something which they already do), Sprint Nextel offers the following suggestions for clarifying proposed rule 5.5.²⁸

To the extent that proposed rule 5.5 would bar CMRS providers – whose rates and charges are not regulated by the Commission²⁹ – from filing tariffs at the Commission, it is unobjectionable, inasmuch as wireless carriers do not file tariffs at the Commission and have not done so for approximately 12 years.

However, the proposed rule presents at least two concerns. First, it is not clear what the proposed rule means when it refers to “schedules” showing a CMRS provider’s rates, terms and conditions of service. The word “schedules” is reminiscent of the very tariffs that wireless

²⁷ For similar reasons, the Commission should not adopt proposed rule 8.6.3 as part of the Industry Rules PD. The substance of proposed rule 8.6.3, however, is unobjectionable.

²⁸ Sprint Nextel does so without waiving its objections to the lack of notice and opportunity to be heard, and without waiving any of its legal rights with regard to the proposed industry rules.

²⁹ See Section 332(c)(3)(A) of the Communications Act, 47 U.S.C. § 332(c)(3)(A), as amended by the Omnibus Budget Reconciliation Act of 1993, P.L. 103-66, 107 Stat. 312, which provides, in pertinent part, that “. . . no State or local government shall have any authority to regulate the entry of or the rates charged by any commercial mobile [radio] service”

carriers no longer file. The word “schedules” should be replaced by the word “information.”

Second, it is unclear whether the proposed rule is meant to apply to all wireless services or instead just to the services that wireless carriers make generally available on a mass market basis.³⁰ Business customers are typically served by wireless carriers pursuant to highly individualized contracts. Hence, there are thousands upon thousands of such contracts. The sheer number of such contracts would make it exceptionally difficult and burdensome to make them all available.³¹ The Commission should therefore specify that it wants wireless carriers to make available to the public information concerning their “generally available” services.

Proposed industry rule 5.5 should therefore be modified to read: “A commercial mobile radio service provider may not file tariffs with the Commission but shall make available to the public information showing rates, charges, terms, and conditions of its generally available services.”

VI. THE COMMISSION SHOULD MODIFY PROPOSED INDUSTRY RULE 8.3.

Whereas proposed industry rule 5.5 is of concern to Sprint PCS and Nextel as wireless carriers, proposed industry rule 8.3 in the Industry Rules PD is of concern to Sprint Communications Co. as a CLEC. Sprint Communications Co. is likely to continue, for at least some period into the future, to maintain tariffs at the Commission for its intrastate services. Proposed industry rule 8.3 would create an almost insuperable hurdle for an “URF Carrier” seeking to introduce a new service on a tariffed basis.

The proposed rule would require an URF carrier to “attest” that the proposed “New Service” would, among other things, “. . . (1) comply with *all* applicable provisions of the Public

³⁰ A perusal of wireless carrier websites, such as www.sprint.com, will show the extensive amount of information that wireless carriers typically provide on the websites regarding their “generally available” or mass market rates, terms and conditions of service.

³¹ Any rule that required wireless carriers to make available for inspection all of the highly differentiated contracts that they have entered into with individual business customers in California, both large and small, would be highly likely to run afoul of 47 U.S.C. § 332(c)(3)A), *supra*. Even if it did not, which is doubtful, it still would be exceptionally burdensome and costly for wireless carriers to comply with, and, given the sheer number of contracts, neither the Commission nor consumers would gain anything from all the effort and expense required.

Utilities Code, including without limitation Sections 2891 to 2894.10, and with the applicable consumer protection rules adopted by the Commission; (2) not result in a degradation of quality of other service provided by the Utility submitting the advice letter, and (3) not be activated for a particular customer unless affirmatively requested by the customer.” (Emphasis added.)

The proposed attestations are excessive and unnecessary. No carrier, nor its counsel, could safely “attest” that a proposed new service would comply with *every* provision in the Public Utilities Code or with *every* “consumer protection rule” ever adopted by the Commission. Nor could they “attest” that a proposed new service would not result in a degradation of an existing service for *every* existing customer. Such an attestation would be highly problematic and risk-laden. The risk of inadvertently violating the proposed rule would simply be too large.³²

Accordingly, the Commission should modify proposed industry rule 8.3 by striking everything from the words, “An advice letter . . .” to and including the words “requested by the customer.” Alternatively, the Commission should modify the proposed rule to provide that, as under Rule III.C of General Order No. 96-A, when an advice letter covers a new service, it should state whether or not “. . . present rates or charges will be affected, deviations or conflicts created, or service withdrawn from any present user.” This language proved sufficient for many years under General Order No. 96-A and should continue to be sufficient now. There is no need to resort to the burdensome and problematic approach in proposed industry rule 8.3.

VII. THE COMMISSION SHOULD CLARIFY THE APPLICABILITY OF PROPOSED INDUSTRY RULE 5.1.

Proposed industry rule 5.1 provides that:

³² Ironically, too, as explained in the Detariffing PD, if an URF Carrier proposed to offer a new service on a detariffed basis, the carrier only needs “to file an informational filing describing the new service that it intends to offer as detariffed as long as the new service does not fall into the categories of services for which we prohibit detariffing . . .” *Id.* at 53. Hence, a carrier seeking to avoid the onerous “attestation” burdens would only need to introduce the new service on a detariffed basis. *See* proposed industry rule 5.1. Thus, it can be seen that the proposed “attestation” requirements serve little, if any, purpose, other than to encourage carriers to offer new services on a detariffed basis.

After the Commission has authorized an URF Carrier to detariff in whole or in part, the URF carrier may make available to the public New Service offerings on a detariffed basis to the extent consistent with the Commission's authorization. When an URF Carrier makes available to the public a New Service on a detariffed basis, the URF Carrier must file an information-only filing that describes the New Service and attests that the New Service is not one of the services excepted from detariffing under Industry Rule 5. . . .

This proposed rule is not clear. It appears to imply that an URF Carrier must first have been authorized by the Commission to detariff at least one existing service before it can submit an information-only filing that describes the new service to be offered on a detariffed basis. This fairly begs the following questions: "What if an URF did not want to detariff any existing service, but simply wanted to introduce a new service on a detariffed basis? Could it still simply submit an information-only filing in order to do so (provided it contained the attestation that the new service is not a service for which detariffing is not permitted)?" The Commission should clarify this aspect of proposed industry rule 5.1 so that it is clear that an URF Carrier may offer a new service on a detariffed basis by filing an information-only filing even if it has not previously detariffed any existing service.

VIII. THERE IS NO REASON TO LIMIT URF CARRIER DECISIONS TO DETARIFF EXISTING SERVICES TO THE NEXT 18 MONTHS.

One puzzling aspect of the Detariffing PD is that it would require URF Carriers to make a decision whether to detariff existing services within 18 months after the effective date of the Commission's decision.³³ After that time, apparently, URF carriers would not be allowed to detariff existing services. This limitation is not only unexplained in the Detariffing PD, but also appears to be bereft of any supporting policy rationale. The Detariffing PD should be modified to eliminate this limitation.

³³ See *id.* at 53 and at 72, Conclusion of Law 24.

IX. THE “ADDITIONAL NEW SAFEGUARDS” TO PROTECT CONSUMERS WHO PURCHASE DETARIFFED SERVICES WILL ONLY SERVE TO DETER CARRIERS FROM DETARIFFING ANY SERVICES.

The Detariffing PD proposes to adopt “additional new safeguards . . . to protect consumers who purchase detariffed services.” In particular, the Detariffing PD states:

We will also require a carrier to post on its website and make available without charge via a toll free number the rates, terms, and conditions for its tariffed and *detariffed retail services* and to comply with certain notice requirements for increases to rates and charges to terms and conditions. An archive of a carrier’s retail rates (both tariffed and detariffed) must be made available on the web for three years, with dates of effectiveness and geographic applicability clearly delineated.^[34]

The proposed “archive” requirements (*see, e.g.*, proposed industry rule 5.2) are unnecessary and will be unduly burdensome and costly. Moreover, they will likely dissuade any URF Carrier from seeking to detariff its services or establish new services on a detariffed basis; in that sense, they will effectively make all of the Commission’s efforts to provide for detariffing of URF Carriers’ services academic. Accordingly, the Commission should not adopt this requirement.

Conclusion

The Commission should modify the Detariffing PD and Industry Rules PD, including the proposed industry rules, as indicated above and as set forth in the Appendix to these Comments.

[signature page follows]

³⁴ *Id.* at 38 (emphasis in original); *see also id.* at 66-67, Finding of Fact 20 and *id.* at 70, Conclusion of Law 11. It appears from the language of Finding of Fact 20 that these requirements are intended to apply to carriers “that seek to detariff,” *i.e.*, they apply to URF carriers, and *not* to wireless carriers that either never tariffed or long ago detariffed their services.

Respectfully submitted:

SPRINT NEXTEL

/s/ Earl Nicholas Selby

Stephen H. Kukta, Esq.
Kristin L. Jacobson, Esq.
Sprint Nextel
200 Mission Street, Suite 1400
San Francisco, CA 94105
Telephone: (415) 572-8358
Facsimile: (415) 278-5303
Email: Stephen.H.Kukta@Sprint.com
Email: Kristin.L.Jacobson@Sprint.com

Earl Nicholas Selby
Law Offices of Earl Nicholas Selby
418 Florence Street
Palo Alto, CA 94301-1705
Telephone: (650) 323-0990
Facsimile: (650) 325-9041
Direct Voicemail: (650) 594-2714
Email: ens@loens.com

Attorneys for Sprint Nextel

Dated: August 13, 2007

Appendix

Suggested Revisions in Findings of Fact, Conclusions of Law, Ordering Paragraphs and Industry Rules

Proposed deletions are ~~struck through~~; proposed additions are underscored.

DETARIFFING PROPOSED DECISION

Findings of Fact

1A. All references to “carriers” in this decision are intended to refer to “URF Carriers,” except where otherwise specifically indicated.

1B. An “URF Carrier is an ILEC, CLEC or IXC that is regulated through the Commission’s uniform regulatory framework, as established in Decision 06-08-030 and as modified from time to time by the Commission.

20. We adopt new rules for carriers that seek to detariff to satisfy the requirements of Pub. Util. Code Section 495.7(c)(1) and (2). In particular, we require carriers that detariff services to make available, at no cost, to the consumer information that is substantially equivalent to information previously contained in their tariffs by posting the rates, terms and conditions for detariffed services on their publicly available websites and providing a toll-free number for consumers to call to obtain a copy of rates, terms and conditions. ~~We also require that carriers archive this information for three years, and make this archive available to the public.~~

24. Tariffs afford carriers protection under the Filed Rate Doctrine and limitation of liability provisions. Tariffs are often cumbersome, legalistic and unwieldy documents that are difficult for most consumers to read or understand. It is essential, however, that this Commission require URF Carriers to continue to file tariffs for any services, such as special access services, where they still hold substantial market power.

26. We do not establish mandatory detariffing procedures. Instead, we permit carriers to ~~apply request to detariff existing services~~ by filing Tier 2 advice letters pursuant to GO 96-B ~~within an 18 month implementation period after the effective date of this decision.~~

34. Carriers may not detariff a service that was not granted full pricing flexibility in D.06-08-030, such as special access and resale services.

Conclusions of Law

12. General contract principles prohibit a carrier from unilaterally changing rates, terms, or conditions to a contract with a customer, but general contract principles also allow contracts to contain provisions that permit carriers to make such changes if they also offer their customers the opportunity to terminate contracts without imposition of early termination fees.

13. Carrier that enter into a term contract (with early termination fees) with a consumer for detariffed services shall not unilaterally ~~change~~ increase rates, or impose more restrictive terms, or conditions to the term contract unless the carriers has provided the customer 30-day notice and received consumer consent for the new rates, terms and conditions. A carrier shall be deemed to have received consumer consent for the new rates, terms and conditions if the carrier has offered the customer the opportunity to terminate the contract without the imposition of early termination fees and the customer has not notified the carrier of an intention to terminate the contract.

22. Detariffing of resale services or other services, such as special access services, that were not granted full pricing flexibility in D.06-08-030 is not in the public interest.

24. ~~The 18 month implementation period for detariffing does not apply to the carrier's offering of new services on a detariffed basis. For example, I~~ If an URF Carrier seeks to offer new services on a detariffed basis, ~~after the 18 month implementation period,~~ the carrier shall submit an information filing to notify the Commission that is offering the new service as a detariffed

offering as long as the new service does not fall into the categories for which the Commission does not permit detariffing.

Ordering Paragraphs

3. ~~Within the next 18 months, a~~ A carrier may detariff existing retail services and tariff sheets for those services by filing an advice letter that complies with the terms of General Order 96-B, General Rule 7.3.4, and does not purport to cancel:

- a. A tariff for basic service.
- b. A tariff that includes a requirement, condition, or obligation imposed through an enforcement, complaint, or merger proceeding.
- c. A tariff for 911 or other emergency services.
- d. A tariff relating to customer direct access to an interexchange carrier or customer choice of an interexchange carrier.
- e. A tariff for a service that was not granted full pricing flexibility in D.06-08-030 (e.g., resale services or special access services).
- f. A tariff containing obligations as a Carrier of Last Resort or other obligations under state and federal law.

4. ~~The 18 month implementation period for detariffing does not apply to “new services” as defined in the Telecommunications Industry Rules of GO 96-B.~~ An URF Carrier may offer new services as detariffed ~~after the 18 month implementation period~~ by filing an informational filing with the Commission as long as the new service does not fall into the categories of services for which we do not permit detariffing. A carrier may also offer new services as tariffed if it wishes.

INDUSTRY RULES PD

Findings of Fact

1A. All references to “carriers” in this decision are intended to refer to “URF Carriers,” except where otherwise specifically indicated.

1B. An “URF Carrier is an ILEC, CLEC or IXC that is regulated through the Commission’s uniform regulatory framework, as established in Decision 06-08-030 and as modified from time to time by the Commission.

12. It is appropriate that Resale Service and special access services continue to be tariffed.

~~20. It is reasonable that carriers be required to attest to the compliance of their New Service offerings with applicable law.~~

~~21. It is reasonable that carriers be required to attest that their New Service offerings will not result in degradation in the quality of other service provided by the carriers.~~

[Alternatively, in lieu of deletion of proposed Finding of Fact 20, the Commission should modify proposed Finding of Fact 20 to read:

20. It is reasonable that carriers be required to ~~attest to the compliance of their New Service offerings with applicable law.~~ state whether or not present rates or charges will be affected, deviations or conflicts created, or service withdrawn from any present user due to New Service offerings.]

Ordering Paragraphs

3. The first two paragraphs of General Rule 1.1 are amended to reflect the addition of the Telecommunications Industry Rules to GO 96-B. The amendments are ~~shown~~ reflected below; ~~new language is underlined, and deleted language is stricken through:~~

This General Order contains General Rules, and Energy Industry Rules, Telecommunications Industry Rules, and Water Industry Rules. The General Rules govern all advice letters and information-only filings submitted to the Commission by public utilities that are gas, electrical, telephone, water, sewer system, pipeline, or heat corporations, as defined in the Public Utilities Code. The General rules also govern certain to the

Commission by certain non-utilities subject to limited regulation by the Commission.

The Industry Rules have limited applicability. The Energy Industry Rules apply to gas, electrical, pipeline, and heat corporations and to load-serving entities as defined in Public Utilities Code Section 380. The Telecommunications Industry Rules apply to ~~telephone corporations~~ URF Carriers except where otherwise specifically indicated. The Water Industry Rules apply to water and sewer system corporations. Within their respective industries, the Industry Rules may create rules specific to a particular type of utility or advice letter. Also, for purposes of advice letter review, the Industry Rules will contain three tiers that will distinguish, for the respective Industry Divisions, between those kinds of advice letters subject to disposition under General Rule 7.6.1 (Industry Division disposition) and those subject to disposition under General Rule 7.6.2 (disposition by resolution). The Industry Rules may contain additional tiers as needed for efficient advice letter review or implementation of a statute or Commission order.

[Note: strikeouts and underscoring already contained in the Industry Rules PD have been omitted.]

GENERAL ORDER NO. 96-B

Telecommunications Industry Rules

Table of Contents

...

~~5.5 Commercial Mobile Radio Service Provider~~7

...

~~8.6.3. Transfer of Commercial Mobile Radio Service Provider~~16

1.14 URF Carrier

“URF Carrier” is ~~a public utility~~ an ILEC, CLEC, or IXC that is regulated through the Commission’s uniform regulatory framework, as established in Decision -06-08-030 and as modified from time to time by the Commission.

Industry Rule 5. Detariffed and Non-tariffed Service

An URF Carrier may cancel by advice letter any retail tariff currently in effect except for the following: Basic Service; 911 or e-911 service; a provision, condition, or requirement imposed by the Commission in an enforcement, complaint, or merger proceeding; a provision relating to customer direct access to or choice of an interexchange carrier; a service (such as Resale Service or special access service) not within the scope of services for which the Commission granted full pricing flexibility in Decision 06-08-030; or a provision pertaining to a Utility's obligations under state or federal law (such as California public policy surcharges or Carrier of Last Resort obligations).

The Commission otherwise will consider granting exceptions from the general requirement (see General Rule 8.2.1) that a Utility serve its California customers under its filed tariffs. Such exceptions, allowing the Utility to provide detariffed service, may be granted to a specific Utility or type of Utility, or for specific services offered by the Utility or type of Utility. Industry Rules 5.1 to 5.5, which will be updated as necessary, list the currently authorized exceptions and certain requirements that apply to service not provided under tariff.

5.1 URF Carrier

Subject to Industry Rule 5, an URF Carrier may request to detariff in whole or in part. The URF Carrier seeking to detariff a service not excluded under Industry Rule 5 must submit a Tier 2 advice letter. The advice letter must identify the service that the URF Carrier proposes to detariff and must attest that the service is not one of the services excepted from detariffing under Industry Rule 5.

~~After the Commission has authorized a~~ An URF Carrier to detariff in whole or in part, ~~the URF Carrier~~ may make available to the public New Service offerings on a detariffed basis to the extent consistent with the Commission's authorization. When an URF Carrier makes

available to the public a New Service on a detariffed basis, the URF Carrier must file an information-only filing that describes the New Service and attests that the New Service is not one of the services excepted from detariffing under Industry Rule 5. (See General Rules 6.1, 6.2; Industry Rule 2.) The information-only filing must be submitted to the Commission no later than the date on which the New Service is made available to the public.

5.2 Publication of Rates, Charges, Terms, and Conditions (URF Carriers)

For any service available to the public but not provided under tariff, the carrier providing the service must at all times and without charge publish, at a site on the Internet, the applicable rates, charges, terms, and conditions. ~~The carrier must also publish at its Internet site an archive of its canceled rates, charges, terms, and conditions, going back three years or to the date of detariffing, whichever is more recent.~~ The carrier must comply with these publication requirements regardless of whether the service was detariffed at or after certification, ~~or was ever provided under tariffs.~~

~~5.5 Commercial Mobile Radio Service Provider~~

~~A commercial mobile radio service provider may not file tariffs with the Commission but shall make available to the public schedules showing its rates, charges, terms, and conditions of service.~~

[Alternatively, the Commission should modify proposed industry rule 5.5 as follows:

5.5 Commercial Mobile Radio Service Provider

A commercial mobile radio service provider may not file tariffs with the Commission but shall make available to the public ~~schedules~~ information showing ~~its~~ rates, charges, terms, and conditions of its generally available services.]

8.3 New Service

An advice letter requesting approval of a New Service must ~~attest~~ state whether or not that the proposed service would: present rates or charges will be affected, deviations or conflicts created, or service withdrawn from any present user due to New Service offerings.

- ~~(1) comply with all applicable provisions of the Public Utilities Code, including without limitation Sections 2891 to 2894.10, and with the applicable consumer protection rules adopted by the Commission;~~
- ~~(2) not result in a degradation in quality of other service provided by the Utility submitting the advice letter; and~~
- ~~(3) not be activated for a particular customer unless affirmatively requested by the customer.~~

An advice letter by a GRC-LEC requesting approval of a New Service must show that the rate or charge set for the New Service is at or above cost. Cost data provided in support of the New Service may be submitted under seal together with a request for confidential treatment. (See General Rule 9.)

~~8.6.3 Transfer of Commercial Mobile Radio Service Provider~~

~~The transferee of a commercial mobile radio service provider must submit an information only filing setting forth changes in the provider's registration information.~~

Certificate of Service

I, Earl Nicholas Selby, hereby certify that, on August 13, 2007, I caused a copy of the foregoing document, entitled:

**COMMENTS OF SPRINT NEXTEL
ON PROPOSED DECISIONS OF COMMISSIONER CHONG**

to be served on the parties to R.05-04-005 and R.98-07-038 by electronic mail to the electronic mail addresses and by U.S. Mail to the U.S. Mail addresses on the service list maintained on the Commission's Web site for this proceeding, as indicated on the following pages.

I certify that the above statements are true and correct.

Dated: August 13, 2007 at Palo Alto, CA.

/S/ Earl Nicholas Selby

Electronic Service List, R.05-04-005

hgildea@snavely-king.com
dlee@snavely-king.com
mjoy@aopl.org
kim.logue@qwest.net
Terrance.Spann@hqda.army.mil
simpsco@hqda.army.mil

kevin.saville@frontiercorp.com
kevin.saville@frontiercorp.com
mbrosch@utilitech.net
ann.johnson@verizon.com
robin.blackwood@verizon.com
robbie.ralph@shell.com
anna.sanchou@pactel.com
rex.knowles@xo.com
ed.giesecking@swgas.com
valerie.ontiveroz@swgas.com
nnail@caltel.org
jbloom@winston.com
rdiprimio@valencia.com
don.eachus@verizon.com
jesus.g.roman@verizon.com
michael.backstrom@sce.com
rtanner@scwater.com
pszymanski@sempa.com
esther.northrup@cox.com
ditop@enpnet.com
mmulkey@arrival.com
cmailloux@turn.org
diane_fellman@fpl.com
elaine.duncan@verizon.com
kristin.l.jacobson@sprint.com
mflorio@turn.org
rcosta@turn.org
rudym.reyes@verizon.com
thomas.long@sfgov.org
bnusbaum@turn.org
lgx@cpuc.ca.gov
mlm@cpuc.ca.gov
ndw@cpuc.ca.gov
sjy@cpuc.ca.gov
tad@cpuc.ca.gov
heidi_sieck-williamson@ci.sf.ca.us
steve.bowen@bowenlawgroup.com
ahk4@pge.com
david.discher@att.com
emery.borsodi@att.com
putzi@strangelaw.net
fassil.t.fenikile@att.com

gregory.castle@att.com
gj7927@att.com
jadine.louie@att.com
james.young@att.com
jpc2@pge.com
mwand@mofo.com
michael.sasser@att.com
nedya.campbell@att.com
nelsonya.causby@att.com
strange@strangelaw.net
ppham@mofo.com
stephen.h.kukta@sprint.com
thomas.selhorst@att.com
ashm@telepacific.com
pcasciato@sbcglobal.net
cheryl.hills@icg.com
adl@lrolaw.com
ckomail@pacbell.net
david@simpsonpartners.com
gblack@cwclaw.com
enriqueg@lif.org
jsqueri@goodinmacbride.com
jim@tobinlaw.us
jarmstrong@gmssr.com
smalllecs@cwclaw.com
jwiedman@goodinmacbride.com
mtobias@mlawgroup.com
mschreiber@cwclaw.com
mday@gmssr.com
smalllecs@cwclaw.com
smalllecs@cwclaw.com
deyoung@caltel.org
sleeper@steefel.com
tmacbride@goodinmacbride.com
mmattes@nossaman.com
edwardoneill@dwt.com
suzannetoller@dwt.com
cpuc.contact@realtelephone.net
ens@loens.com
tlmurray@earthlink.net

bgranger@pacbell.mobile.com

mgomez1@bart.gov
douglas.garrett@cox.com
doug_garrett@icgcomm.com
grs@calcable.org
ll@calcable.org
mp@calcable.org
rschmidt@bartlells.com
robertg@greenlining.org
thaliag@greenlining.org

pucservice@dralegal.org
pucservice@dralegal.org
palle_jensen@sjwater.com

scratty@adelphia.net
cborn@czn.com
jchicoi@czn.com
g.gierczak@surewest.com
cborn@czn.com
abb@eslawfirm.com
chris@cuwcc.org
dhaddock@o1.com
kdavis@o1.com
sheila@wma.org
tom@ucons.com
gregkopta@dwt.com
aisar@millerisar.com
Mike.Romano@Level3.com
kelly.faul@xo.com
william.weber@cbeyond.net
fpc_ca@pacbell.net
katherine.mudge@covad.com
jeff.wirtzfeld@qwest.com
marjorie.herlth@qwest.com
gdiamond@covad.com
astevens@czn.com
athomas@newenergy.com
npedersen@hanmor.com
jdelahanty@telepacific.com
jacque.lopez@verizon.com
douglass@energyattorney.com
case.admin@sce.com
atrial@sempra.com
mshames@ucan.org
clower@earthlink.net
slafond@ci.riverside.ca.us
don@uutlaw.com
jpeck@semprautilities.com
mzafar@semprautilities.com
ana.kapetanakos@att.com
info@tobiaslo.com
ashm@telepacific.com
nlubamersky@telepacific.com
marklegal@sbcglobal.net
vvasquez@pacificresearch.org
judypau@dwt.com
katiensel@dw.com
tregtremont@dwt.com
ahammond@usc.ed
lex@consumercal.org
lex@consumercal.org
ralf1241a@cs.com

john_gutierrez@cable.comcast.com
jr2136@camail.sbc.com
anitataffrice@earthlink.net
lmb@wblaw.net
sbergum@ddtp.org
tguster@greatoakswater.com
rl@comrl.com
ahanson@o1.com
blaising@braunlegal.com
sheila.harris@integratelecom.com
Adam.Sherr@qwest.com
drp@cpuc.ca.gov
chc@cpuc.ca.gov
chr@cpuc.ca.gov
des@cpuc.ca.gov
dlf@cpuc.ca.gov
fnl@cpuc.ca.gov
flc@cpuc.ca.gov
hmm@cpuc.ca.gov
jar@cpuc.ca.gov
jjs@cpuc.ca.gov
jjw@cpuc.ca.gov
jst@cpuc.ca.gov
jet@cpuc.ca.gov
kar@cpuc.ca.gov
kjb@cpuc.ca.gov
lwt@cpuc.ca.gov
mca@cpuc.ca.gov
mcn@cpuc.ca.gov
nxb@cpuc.ca.gov
pje@cpuc.ca.gov
rff@cpuc.ca.gov
rs1@cpuc.ca.gov
rmp@cpuc.ca.gov
hey@cpuc.ca.gov
sim@cpuc.ca.gov
kot@cpuc.ca.gov
skw@cpuc.ca.gov
tjs@cpuc.ca.gov
wej@cpuc.ca.gov
wsm@cpuc.ca.gov

Electronic Service List, R.98-07-038

mjoy@aopl.org
kim.logue@qwest.net
simpsco@hqda.army.mil

kevin.saville@frontiercorp.com
robin.blackwood@verizon.com

robbie.ralph@shell.com
anna.sanchou@pactel.com
ed.giesecking@swgas.com
valerie.ontiveroz@swgas.com
nnail@caltel.org
jbloom@winston.com
rdiprimio@valencia.com
jesus.g.roman@verizon.com
michael.backstrom@sce.com
rtanner@scwater.com
pszymanski@sempira.com
ditop@enpnet.com
diane_fellman@fpl.com
elaine.duncan@verizon.com
mflorio@turn.org
mlm@cpuc.ca.gov
sjy@cpuc.ca.gov
tad@cpuc.ca.gov
heidi_sieck-
williamson@ci.sf.ca.us
ahk4@pge.com
david.discher@att.com
jadine.louie@att.com
jpc2@pge.com
mwand@mofo.com
ppham@mofo.com
stephen.h.kukta@sprint.com
ashm@telepacific.com
pcasciato@sbcglobal.net
cheryl.hills@icg.com
adl@lrolaw.com
david@simpsonpartners.com
enriqueg@lif.org
jsqueri@goodinmacbride.com
smalllecs@cwclaw.com
mschreiber@cwclaw.com
smalllecs@cwclaw.com
mmattes@nossaman.com
cpuc.contact@realtelephone.net
ens@loens.com

bgranger@pacbell.mobile.com

mgomez1@bart.gov
doug_garrett@icgcomm.com
ll@calcable.org
rschmidt@bartlewells.com
thaliag@greenlining.org
palle_jensen@sjwater.com

cborn@czn.com
abb@eslawfirm.com

chris@cuwcc.org
sheila@wma.org
tom@ucons.com
aisar@millerisar.com
kelly.faul@xo.com
fpc_ca@pacbell.net
gdiamond@covad.com
rex.knowles@xo.com
athomas@newenergy.com
npedersen@hanmor.com
jdelahanty@telepacific.com
jacque.lopez@verizon.com
douglass@energyattorney.com
case.admin@sce.com
atrial@sempra.com
esther.northrup@cox.com
slafond@ci.riverside.ca.us
cmailloux@turn.org
jpeck@semprautilities.com
mzafar@semprautilities.com
ana.kapetanakos@att.com
thomas.selhorst@att.com
info@tobiaslo.com
ralf1241a@cs.com

jr2136@camail.sbc.com
tguster@greatoakswater.com
blaising@braunlegal.com
drp@cpuc.ca.gov
chr@cpuc.ca.gov
des@cpuc.ca.gov
dlf@cpuc.ca.gov
fnl@cpuc.ca.gov
flc@cpuc.ca.gov
jst@cpuc.ca.gov
jet@cpuc.ca.gov
mcn@cpuc.ca.gov
nxb@cpuc.ca.gov
pje@cpuc.ca.gov
rff@cpuc.ca.gov
rmp@cpuc.ca.gov
kot@cpuc.ca.gov
wsm@cpuc.ca.gov

United States Mail Service List, R.98-07-038 and R.05-04-005

Robert A. Smithmidford
Vice President
Bank of America
8011 Villapark Drive
Richmond, VA 23228-2332

Hugh Cowart
Technology & Operations
Bank of America
FL9-400-01-10
9000 Southside Blvd.
Jacksonville, FL 32256

Richard Hairston
R.M. Hairston Company
1112 La Grande Avenue
Napa, CA 94558-2168

Dorothy Connell
Director
AirTouch Communications, Inc.
2999 Oak Rd. 5
Walnut Creek, CA 94597-2066

Richard Balocco
President
California Water Association
374 W. Santa Clara Street
San Jose, CA 95196

Lou Filipovich
15376 Laverne Drive
San Leandro, CA 94579

ALJ Steven Kotz
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

Jane Whang, Esq.
Advisor to Commissioner Chong
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102